

City of La Verkin

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La Verkin City Council Meeting Minutes

Wednesday, August 20, 2014 6:00 p.m.

Council Chambers, 111 S. Main, LaVerkin, Utah

Present: Mayor Pro Tem Brandon Stephenson; Council-Members: Richard Hirschi, Ken Hooten, Chantelle Browning, and Randy Reeve; Staff: Kyle Gubler, Derek Imlay, Kevin Bennett, Chief Ben Lee, and Christy Ballard; Public: John and Rose Valenti and Robert Cross.

Mayor Kerry Gubler has been excused.

A. Called to Order – Invocation by Richard Hirschi at 6:00pm

B. Consent Agenda: (Items on the consent agenda may not require discussion. These items will be a single motion unless removed at the request of the Mayor or City Council.)

1. Declarations of conflict of interest
2. Agenda
3. July 16, 2014 regular meeting minutes
4. Review Invoices and Checks: \$112,556.71

Motion was made by Councilman Richard Hirschi to approve the consent agenda as written including the July 16, 2014 regular meeting minutes and checks and invoices in the amount of \$112,556.71, second by Councilman Ken Hooten. Roll Call Vote: Reeve-yes, Hooten-yes, Hirschi-yes, Browning-yes. Motion carried unanimously.

C. Committee Reports:

1. Planning Commission – There was a public hearing in regard to amending the zoning map for the Interstate Rock Property. It was passed with the exception of the high density. The next option is coming to the next City Council meeting.
On 200 South-300 South there is property that Scott Stratton would like to build on that will require the City to vacate a roadway listed on the Master Road Plan. Scott would like to road to be vacated so he could have a flag lot there. Scott has dug a test hole and found blue clay but he seemed intent on moving forward.
2. Water Board – That meeting will be next Wednesday.
3. Fire District-Chief Kuhlmann explained fire trucks are equipped to handle buildings up to 24 feet high. The hotel is taller than that so he is writing a proposal to take to the next Fire District meeting to purchase a new vehicle that can handle taller buildings. There is impact money the cities collect for public safety that can be spent on this type of thing. That will bring another question of where to park the larger truck. La Verkin has participated in a study making them eligible to receive \$300,000 from CDBG. The deadline for using that money is in 10 months. Chief would like to approach the City Council and ask that money be used to improve the La Verkin fire station so the larger truck can fit.

Kyle explained the study was done for the Silver Acres Project but the City went in another direction. The fire station would be an accepted use under CDBG.

Chief Kuhlmann said he would also approach the State for CIB money to help purchase the new apparatus.

Kyle reported he has looked at impact fees from 2007-2014 and La Verkin owes the Fire District about \$10,000. How the impact fees are collected is an item that will be coming to the City Council. The Fire District has been discussing conducting their own impact fee study and applying it District wide and applying the benefit District wide instead of city by city. Staff would be in favor of that.

Chief Kuhlmann would like to add using the CDBG grant money on improving the firehouse to the next agenda. He will have a presentation with conceptual ideas on what they would like to do.

Kevin mentioned the impact fee issue needs to be taken care of also since La Verkin doesn't have their own fire department.

Councilman Hirschi asked if there has been any progress with Hurricane and the District.

Chief Kuhlmann replied there has been some positive feedback from several councilmembers that something needs to be done.

The District has met with the Washington City Council to talk about building a combined fire station in the Coral Canyon area that would service Hurricane, Washington City and the Fire Districts out there. There are a lot of different opinions about how to handle that situation.

4. Sewer Board- There has not been a meeting.
5. Community Garden-Nothing to report.

D. Citizen Comment & Request for Future Agenda Items:

Councilman Hooten introduced Robert Cross. He is from scout troop 1661 and is here tonight working on one of the merit badge requirements.

Henry Hillburn-Is a citizen of La Verkin and wondered why property taxes went up.

Kyle replied the County is in charge of property tax. They do not notify the City when they make changes. Every five years they reevaluate all of the properties. It's on a rotating basis so when your property comes up in the rotation and if they deem your property worth more, the taxes will go up.

E. Business:

1. Discussion and possible action to approve Ordinance No. 2014-04; An ordinance updating La Verkin City criminal law procedure 2014.

Kevin explained this is a business item done annually to make sure our laws are up to date and consistent with what the State has. Chief Lee has reviewed this Ordinance and has approved it.

Councilman Hooten asked why individual cities need to pass their own criminal law procedure if the State already has one.

Kevin replied that we have a criminal code and have certain crimes that we have defined for ourselves as far as we are allowed to. In the past we have had things on the books that have not been consistent with the State. Sometimes we don't want everything the State is citing. When our police officers go into court it is our code they cite. That is why this ordinance is numbered different. It does allow things to be handled differently than the State handles things at the same time making us up to date.

Councilman Hooten commented that La Verkin cannot change the State's criminal code we can only augment it with additional items. He also wondered if the County has a criminal code for people that don't live within city limits and if La Verkin's code is cited in court.

Kevin replied our code is what is cited during court. This ordinance isn't adopting all of Title 76 and 77, only portions of it. Some things we don't have a choice over and some areas it gives us flexibility. Codes are different to some extent in each town. But yes it is somewhat redundant.

The State code talks about State officials not municipal officers. This ordinance grants the police the authority to do their job and allows us to go ahead with prosecuting someone without waiting for the State to get involved.

Councilman Hooten asked if we could prosecute under the State code.

Kevin answered that yes we could, but this is assimilating and empowering your own officers because the Councilmembers don't have authority over the State. You do have authority over Chief Lee, staff and citizens of this community. We assimilate that into our code and give the authority to our people to do those things.

Councilman Hooten asked if Chief Lee could bring charges against a person under State law. It wouldn't have to be something under City code.

Kevin said that is a question he cannot answer without applying it to a particular situation. Sometimes cities can be more restrictive sometimes less, or sometimes we do have the authority and sometimes we don't.

Councilman Hooten said he believes in less government and doesn't believe in adding regulations where they are not needed. That is why he is asking these questions.

Kevin stated this ordinance is not adding anything, it is giving authorization locally. We often do this with different State codes.

Motion was made by Councilman Ken Hooten to approve Ordinance 2014-04; An ordinance updating La Verkin City criminal law procedure 2014, second by Councilwoman Chantelle Browning. Roll Call Vote: Reeve-yes, Hooten-yes, Hirschi-yes, Browning-yes. Motion carried unanimously.

F. Staff, Mayor & Council Reports:

Browning- Mosquito Abatement reported West Nile virus is here, six vials have tested positive. There are no human cases in the State of Utah but Colorado, Arizona, and California all have had human cases. Arizona has had two deaths so we need to let everyone know to stay protected. It is just a matter of time before West Nile is throughout the entire County.

*Hirschi-*Nothing further to report.

*Stephenson-*Nothing to report.

Hooten- Confluence Park met today. They are removing the invasive plants and replacing them with natural plants. They are also trying to get picnic tables and a kiosk in the Park. Work on the Hurricane trail head is continuing. Money seems to be the biggest obstacle in getting the projects done. If anyone knows of a scout looking for an Eagle project, there are several items they could do in Confluence Park.

*Reeve-*Solid Waste District met last week and went over the audit. They are very financially sound and there were no discrepancies.

Curb side recycling was discussed. The District is polling individual cities to see how they feel about the idea. The two options are; one, a mandatory which would cost \$3 per month. Second, would be an opt in

which would be about \$7 per month. There would need to be enough participation in an area for the company to come out to pick it up. The opt out would cost between \$3-\$7 after the 90 day grace period.

City Administrator- Kyle Gubler

Kyle reported on the tourism meeting he attended. The RAP tax will be on the ballot this November. It is a one tenth of one percent tax on items sold which translates to every \$10 that is taxed through sales the County will collect one penny. That will be distributed to different areas in the County. It is estimated to be about \$35,000 annually to the City of La Verkin that can be used for recreational purposes in La Verkin.

After interviewing four different individuals for the City Recreation position Jenica Juluson has been hired. The City was told by the School District that we could not put anything in the children's packet the last two or the first two weeks of school but Hurricane had something go home already.

The Mayor introduced the Royalty during the ribbon cutting ceremony at the County Fair. Ray and Laura Justice did the seed display for the City and the Royalty took second place for their float.

Public Safety- Chief Ben Lee

Chief Lee reported Officer Crouse is back to full duty today. They have been going through the evidence room and in the past few weeks have identified 60 cases whose evidence can be destroyed, 30 of which have been destroyed. There are still many more waiting for destruction orders.

There has not been anyone at the animal shelter which has put a burden on the officers. An Animal Control Committee was formed and one of the items discussed was a proposal from BAM (Because Animals Matter), the decision was made to decline their offer of having them manage the shelter for La Verkin with the condition that the City would maintain the shelter as before with the vision that it could be incorporated and progress further.

The County has provided inmates to help maintain the shelter. They are there every day working off their hours. In return La Verkin Police Department has agreed to help the County whenever possible.

Chief's wife has been managing the volunteers working at the shelter. The animal shelter has someone there about 4 hours a day. He also thanked Bob & Libby Wilson and Keri War for running the shelter whenever Kate was out. If anyone is interested in volunteering please let Chief know. One week ago there were 10 dogs in the shelter and today there are 3.

Interviews for the Animal Control officer were held today. Once the Mayor has had time to review the decision that person will be notified.

There was a CPR class for staff this past week.

Several groups have showed an interest in starting a neighborhood watch. They would like to purchase signs with their own funds from the National Group. Chief is in the process of looking into that.

Officer Bulkley attended the Utah Narcotics Association and was able to re-certify. The Department has acquired body cameras. They have been very positive and will be a great help.

Councilwoman Browning asked how often evidence gets destroyed.

Chief replied there is many years' worth of evidence that needs to be destroyed. They are still trying to conduct a full inventory but he thinks about 80% of it could be destroyed.

There are different procedures for different types of cases that need to be followed so it is quite a lengthy process.

Councilwoman Browning asked how other departments handle destroying evidence.

Chief answered that most departments have a dedicated Evidence Officer or Technician that takes care of it. The County has different areas evidence is placed to help them cycle it out regularly which is what his department is trying to do.

Director of Operations-Derek passed out the Irrigation Report thru today. As of today the City has used 127 acre feet of water, with 11 days left in the month we should be slightly under 200 acre feet. The citizens have been very successful at cutting back on the water. The column on the right hand side deals with the filter cycle. Normally the filters cycle 6 times in a 24 hour period. In a typical 30 day month they should cycle 180 times. The filters automatically cycle when there is a 6 pound pressure difference between the water coming in and the water going out. Last month they cycled 433 times which means he has to pay attention to the rain above us and pay attention to the filters so they don't get hot and start to fault. If the filter faults water is still coming in but it will clog the filter and is quite a task to clean. So far this year the system hasn't faulted. The water has been kept in the system for the citizens to decide whether or not they want to use it.

Hurricane is still using the water from Ash Creek Springs and Toquerville Springs. They have been reimbursing us for the overage.

The District is still pushing water conservation.

At Kyles City Manager meeting he found out all of the other cities are dealing with a lot of breaks as well. Over the last seven weeks we had over 70 breaks; most of them have been service lines. The general consensus is because all of the moisture is gone out of the ground it's stretching those service lines. The crew has been working nonstop fixing breaks and still haven't found time to fill all of the holes back in. It has also been affecting the call out service. They are getting called out 2-3 times a week which means they need time off the following week.

Councilman Hooten asked what the procedure is if there is a hazard in the street or sidewalk.

Derek replied if they call the City Office the girls at the front fill out a work order and the crew checks for those several times throughout the day.

Councilwoman Browning asked what the State decided to do with the State Street project.

Derek replied they have changed the project start date to February. The project became too big for the money they had allocated for it.

Kyle alerted them to the three areas that are bad and we have been working with them on that. They want La Verkin to participate in the project but we don't have the money to.

Councilwoman Browning asked about the status of the retaining wall on the north end of State Street.

Kyle replied the City is going after a grant for that. It doesn't look positive but staff is still going to try for it.

Treasurer-Troylinn reported she has been back full time as of Monday and is trying to get caught up. She thanked Jennifer, Christy, Derek, and Kyle for all the work they did while she was out.

G. Adjourn:

**Motion was made by Councilman Ken Hooten to adjourn, second by Councilman Richard Hirschi.
Motion carried unanimously at 6:54pm.**

Minutes were taken on behalf of the City Recorder by Christy Ballard.

September 3, 2014
Date Approved

ATTEST:

Kyle Gubler
Kyle Gubler
City Recorder

Kerry F. Gubler
Mayor Kerry F. Gubler